

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, March 6, 2013 in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Skoll.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

Present: Commissioners D'anjou, Gibson, Polcari, Skoll, Watson and Chairperson Weideman.

Absent: Commissioner Rizzo.

Also Present: Sr. Planning Associate Santana, Planning Associate Gomez, Plans Examiner Noh, Associate Civil Engineer Symons, Sr. Fire Prevention Officer Kazandjian, and Assistant City Attorney Sullivan.

MOTION: Commissioner Skoll moved to grant Commissioner Rizzo an excused absence from this meeting. The motion was seconded by Commissioner Polcari and passed by unanimous voice vote.

4. POSTING OF THE AGENDA

Sr. Planning Associate Santana reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, March 1, 2013.

5. APPROVAL OF MINUTES – None.

6. REQUESTS FOR POSTPONEMENTS – None.

7. ORAL COMMUNICATIONS #1 – None.

Chairperson Weideman reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

8. TIME EXTENSIONS – None.

9. SIGN HEARINGS – None.

10. CONTINUED HEARINGS – None.

11. WAIVERS

11A. WAV13-00001: CHRIS JENSEN

Planning Commission consideration for approval of a Waiver to allow over-height retaining walls on property located within the Hillside Overlay District in the R-1 Zone at 210 Calle de Sirenas.

Recommendation: Approval.

Planning Associate Gomez introduced the request and noted supplemental material consisting of correspondence received after the agenda item was completed.

Commissioner D'anjou disclosed that she visited the subject property and viewed it from the backyard of 209 Via El Toro, but did not engage in any discussions.

Chairperson Weideman disclosed that he also viewed the site from 209 Via El Toro.

Charles Belak-Berger, Redondo Beach, project architect, voiced his agreement with the recommended conditions of approval with the exception of Condition No. 6, which requires that a planter be built along the eastern side of the retaining wall in the front yard to soften its appearance. He explained that one of the main goals of the project is to make the driveway more usable and adding a planter in this area would narrow the driveway and create a hazard when backing out of the driveway. He stated that the applicant agrees that the over-height retaining wall needs some kind of embellishment to soften its appearance and has proposed other solutions as detailed in the supplemental material, including planting vines or climbing plants, covering the wall with a façade of brick or stone, or incorporating a small fountain or plaster mold designs into the wall.

Chairperson Weideman asked about walls at the rear of the property.

Mr. Belak-Berger explained that that the proposed 5-feet retaining wall will be located 18 inches inside the rear property line and is necessary to secure the backyard patio; that the applicant does not intend to do anything to the fence on the adjacent property (209 Via El Toro); and that the retaining wall will be designed to support the higher grade at the rear of the property and any surcharge.

In response to Chairperson Weideman's inquiry, Sr. Planning Associate Santana clarified that the proposed retaining walls at the rear of the property are within the 5 feet maximum height allowed in the R-1 Zone, however, they were included as part of this request because retaining walls that exceed 3 feet in height are subject to public review in the Hillside Overlay area.

Tony Czuleger, Redondo Beach, contractor for the project, explained that many of the walls in this area are unstable because they were built in the mid 1950's with insufficient rebar and narrow footings so replacing them is a matter of safety. He related his belief that the proposed project will benefit the neighborhood because it will give other neighbors ideas about how to develop their property to its fullest potential.

In response to Commissioner Skoll's inquiry, Plans Examiner Noh confirmed that the applicant will be required to provide a structural analysis to ensure that the stability of the hillside is maintained.

Jim Delurgio, 209 Via el Toro, indicated that he supports the concept of the proposed retaining walls but has some concerns. He stated that the majority of Section 1 of the retaining wall does not appear to meet the definition of a retaining wall per TMC Section 92.13.1 because it does not retain anything, but it would help preserve privacy so he had no issues with it as long as the wall and required safety railing are kept to minimum height. He disputed the claim in the staff report that the existing fence on his property qualifies as a guardrail for the new retaining wall, contending that it does not meet Code requirements because braces have been added which make the fence scalable from his property. He expressed concerns that without guardrails, the retaining wall will create liability issues and pose a safety hazard. He noted his preference for a non-transparent safety railing for purposes of privacy.

Sr. Planning Associate Santana advised that based on existing conditions, a guardrail is not required on the rear retaining wall. He explained that Mr. Delurgio is required to have a non-scalable 5-foot high enclosure due to his swimming pool and it was not pertinent to this case if something has been added to make it scalable because his property was not before the Commission. Referring to the topography notes on the site plan, he confirmed that Section 1 meets the definition of a retaining wall.

Mr. Delurgio reported that discussed the fence issue with Building and Safety staff and learned that the new wall on the subject property would satisfy the enclosure requirement for his pool.

Sr. Planning Associate Santana confirmed that the proposed wall would satisfy the enclosure requirement on Mr. Delurgio's property, but reiterated that a guardrail is not required at this time because there is an existing fence on Mr. Delurgio's property.

Associate Civil Engineer Symons disclosed that he is friends with Mr. Delurgio and their daughters are friends, but this would not affect any advice given to the Commission this evening.

Mr. Belak-Berger stated that the applicant's wall was not meant to protect Mr. Delurgio's pool and if Mr. Delurgio's fence is dismantled in the future, both property owners will have to address the issue at that time. He expressed his willingness to work with staff to find an alternative way to soften the appearance of the retaining wall along the driveway and offered his assurance that the wall will not be an eyesore.

Sr. Planning Associate Santana reported that staff proposed using a planter to break up the wall because it's common way to treat over-height walls in this area, but they were open to working with the applicant on this issue.

MOTION: Commissioner Skoll moved to close the public hearing. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Rizzo).

MOTION: Commissioner Skoll moved to approve WAV13-00001, as conditioned, including all findings of fact set forth by staff, with the following modification:

Modify

No. 6

That the applicants shall work with the Community Development Department on a design to soften the appearance of the eastern side

retaining wall to the satisfaction of the Community Development Director prior to the issuance of building permits.

The motion was seconded by Commissioner Watson and passed by unanimous roll call vote (absent Commissioner Rizzo).

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution No. 13-007.

MOTION: Commissioner Polcari moved to adopt Planning Commission Resolution No. 13-007 as amended. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Rizzo).

11. **WAIVERS** –None.

12. **FORMAL HEARINGS**

12A. **CUP13-00002, DVP13-00001: FORREST JUNG (THE GUILFORD GLAZER TRUST OF 1984)**

Planning Commission consideration for approval of a Conditional Use Permit and a Development Permit to allow a fitness facility within a former automotive service building on property located in the H-DA2 Zone at 21770 Del Amo Circle East.

Recommendation: Approval.

Planning Associate Gomez introduced the request and noted supplemental material consisting of correspondence received after the agenda item was completed.

Commission Polcari disclosed that he had looked at the site on the way to the meeting and Commissioner Watson disclosed that she had driven by the site this afternoon.

Daren Laureano, Southern California Land Use, representing the applicant, indicated that he had questions/concerns regarding the following conditions of approval:

Condition No. 17, which requires a landscape plan to be submitted prior to issuance of building permits. Mr. Laureano requested that the condition be amended to require a landscape plan only for areas that are being altered and not the entire site.

Sr. Planning Associate Santana advised that it's typical to require landscaping to be upgraded throughout the site when there's a change in occupancy and an upgrade to the façade to ensure a consistent appearance.

Condition No. 18, which requires diamond-cut planter wells along the western planter. Mr. Laureano requested clarification of this requirement.

Sr. Planning Associate Santana explained that since planter areas will be removed to add more parking, landscaping must be added to comply with minimum requirements and installing diamond-cut planter wells is the easiest way to accomplish this.

Condition No. 21, which requires the applicant to install non-glare security lighting in the parking lot. Mr. Laureano suggested that this condition was redundant because parking lot lighting is addressed under Condition No. 13.

Sr. Planning Associate Santana agreed that Condition 21 could be incorporated into Condition 13 and recommended eliminating it.

Condition No. 23, which requires pedestrian pathways from Del Amo Circle East and Plaza Del Amo to the front door area. Mr. Laureano explained that there is no sidewalk along this side of Del Amo Circle and they do not wish to encourage people to cross that street where there is no crosswalk. He stated that there is a sidewalk along Plaza del Amo with no landscaping to restrict access to the main entry, so he felt this condition was unnecessary and should be eliminated.

Sr. Planning Associate Santana explained that an adjoining property owner had raised concerns about the adequacy of the parking and the gym operator had mentioned that clients are encouraged to bike, walk or run to the facility therefore staff felt it was important to identify a location along Plaza Del Amo where there is easy access by adding a striped pedestrian walkway on private property.

Condition No. 24, which requires the applicants to perform a Phase 1 site assessment to determine if petroleum contamination may exist on-site. Mr. Laureano stated that this type of requirement is usually only for the sale of property or new construction and it is unrelated to the operation of this business. He reported that a Phase 1 site assessment has been done, but it would take time to review the conditions with staff and it would be an extra expense for the tenants.

Sr. Fire Prevention Officer Kazandjian advised that this condition was included because there is a significant change in occupancy classification and offered amended language to address the applicant's concern.

Condition No. 25, which requires the applicant to submit a noise attenuation plan. Mr. Laureano noted that the proposed gym would be far less noisy than the automotive shop that formerly occupied the building, noting that the applicant uses rubber coated weights.

Sr. Planning Associate Santana advised that this is a Code requirement so the condition can be deleted.

Condition No. 26, which requires the applicant to provide a sign program, detailing wall, ground and directional signs and menu boards. Mr. Laureano reported that this is a single-tenant building so a sign program is unnecessary.

Sr. Planning Associate Santana agreed this condition should be amended to state that the applicant shall provide a sign "design," which details wall and ground signs.

Condition No. 31, which requires the applicant to show proof of or grant a cross access easement with the property to the south prior to the issuance of building permits. Mr. Laureano explained that the applicant is a tenant and does not have the authority to grant a cross access easement.

Associate Civil Engineer Symons advised that Condition 31 was included because it's important to maintain the cross access between the subject property and the property to the south in order to promote more efficient circulation and keep vehicles onsite when possible thereby reducing street traffic. He recommended amending this Condition to state that the "owners/applicants" shall show proof or grant a cross access easement.

James Krasne, representing the property owner, Guilford Glazer Trust, stated that vehicles have been going back and forth between the two properties for decades and he was concerned about granting a one-way easement when it's a two-way situation. He proposed changing the condition to state that the owners will grant a cross access easement at such time the property to the south grants a cross access easement.

Assistant City Attorney Sullivan stated that he did not see the harm in granting the cross access easement because this situation already exists.

Mr. Krasne responded that cross access has not been a problem and he does not want to create one.

Mr. Laureano expressed concerns that the property owner may not wish to grant the easement causing the project to be delayed.

Assistant City Attorney Sullivan explained that it is typical to require a cross access easement as part of the Conditional Use Permit process; that most property owners agree to it because it is in their best interest; and that it was unlikely to cause the project to be delayed.

Chairperson Weideman indicated that he favored leaving Condition No. 31 in place.

Mr. Laureano voiced his agreement with the conditions of approval as amended.

Commissioner D'anjou related her understanding that there's a 25-year old storage tank on the site.

Sr. Fire Prevention Officer Kazandjian advised that the tank will be addressed during the plan check process.

Mr. Krasne reported that the above-ground tank was a clarifier for a prior use and it has been removed in accordance with environmental requirements.

MOTION: Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Gibson and passed by unanimous vote (absent Commissioner Rizzo).

MOTION: Commissioner Skoll moved to approve CUP13-00002 and DVP13-00001, as conditioned, including all findings of fact set forth by staff, with the following modifications:

Delete

No. 21 That the applicants shall install non-glare security lighting for the parking lot.

No. 25 That the applicant shall submit a noise attenuation plan to the satisfaction of the Environmental Division. The consultant shall contact the Environmental Division prior to preparing the noise attenuation plan.

Modify

- No. 24 That the applicant ~~shall~~ may perform a Phase 1 site assessment to determine if petroleum contamination may exist onsite to the satisfaction of the Torrance Fire Marshal.
- No. 26 That the applicant shall provide a sign ~~program~~ design, which details wall and ground signs for this use. Signage requires a separate review and approval.
- No. 31 That the owners/applicants shall show proof of or grant a cross access easement with the property to the south prior to the issuance of Building Permit.

The motion was seconded by Commissioner Polcari and passed by unanimous vote (absent Councilmember Rizzo).

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution Nos. 13-008 and 13-009.

MOTION: Commissioner Skoll moved to adopt Planning Commission Resolution Nos. 13-008 and 13-009 as amended. The motion was seconded by Commissioner Polcari and passed by unanimous roll call vote (absent Commissioner Rizzo).

12B. CUP13-00004: NIKRAD ENTERPRISES, INC. (NED E. NIK)

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of a new convenience store and to allow the retail sale of beer and wine for off-site consumption at an existing service station on property located in the C-1 Zone at 2504 Torrance Boulevard.

Recommendation: Approval.

Planning Associate Gomez introduced the request and noted supplemental material consisting of correspondence received after the agenda item was completed.

Commissioner Polcari disclosed that he frequently purchases gas at this service station and Chairperson Weideman noted that he is very familiar with this site.

Jian Kerendian, project architect, briefly described the proposed project, noting that the site is being reconfigured to make better use of the space. He requested clarification of the Code Requirement concerning a dedication/easement along Crenshaw Boulevard, which was provided by Associate Civil Engineer Symons.

Mr. Kerendian discussed concerns about the following conditions of approval:

Condition No. 2, which states that the CUP will become null and void if not used within one year after the granting of the permit unless extended by the Community Development Director. Mr. Kerendian requested that the time limit be changed to two years to avoid the need for an extension.

Sr. Planning Associate Santana clarified that the condition requires only that plans be submitted for plan check within one year of approval and there is no fee for extending building permits as long as there has been activity within a 6-month timeframe.

Condition No. 9, which requires a sign program to be submitted, which requires separate review and approval. Mr. Kerendian reported that there are existing signs for the Union 76 gas station, which are already permitted, and requested that the condition be amended to specify that the approval process applies only to new signs for the 7-Eleven convenience store.

Condition No. 11, which requires a noise attenuation plan to be submitted. Mr. Kerendian related his understanding that this condition is typically only required when a service station includes a carwash.

Chairperson Weideman explained that this is a standard condition in the City of Torrance particularly when a business is adjacent to a residential area.

Condition No. 15, which requires that the easterly driveway on Torrance Boulevard be closed. Mr. Kerendian expressed concerns that closing this driveway will cause the applicant to lose business.

Associate Civil Engineer Symons advised that the driveway in question is narrow and very close to the intersection, therefore staff has recommended that it be closed to reduce traffic conflicts.

Chairperson Weideman noted that the AM/PM mini-market across the street to the east sells beer and wine, as does the grocery store across the street to the north and related his understanding that the City has restrictions to prevent a concentration of stores selling alcoholic beverages at a particular location.

Sr. Planning Associate Santana advised that TMC Section 95.3.43 requires that service stations selling beer and wine be a minimum of 300 feet from other off-sale liquor establishments and both of the aforementioned stores are within a 300-foot radius, however the Planning Commission has the authority to approve this request with certain findings. He explained that staff has recommended approval because the proposed project would significantly upgrade this corner and eliminate a traffic conflict by closing the easterly driveway and it was unlikely that the project would go forward if the sale of beer and wine is denied.

Chairperson Weideman noted that according to the staff report, the Code requires that the applicant demonstrate that beer and wine sales are a necessary adjunct to the business and that there is a need at the proposed location.

Mr. Kerendian reported that the agreement with 7-Eleven is contingent on the approval of this application as submitted, including the sale of beer and wine. He pointed out that the area for the display of beer and wine is much smaller than the other two stores across the street. He related his belief that the project will benefit the city because it will improve the site, increase tax revenues, and create more jobs.

Commissioner Watson stated that while she understood the applicant's desire to retain the Union 76 gas station signs, which are fairly new, she felt that the site would benefit from a coordinated sign program.

Sr. Planning Associate Santana stated that staff agrees and included Condition No. 9 specifically for that purpose.

MOTION: Commissioner Polcari moved to close the public hearing the motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Rizzo).

Commissioner Polcari, echoed by Commissioner Skoll, expressed his reluctance to require that the easterly driveway on Torrance Boulevard be closed due to the potential impact on the applicant's business.

Commissioner Gibson stated that she supported staff's recommendation to close the driveway and felt it was best to error on the side of safety and common sense.

Commissioner Watson indicated that she also favored closing the easterly driveway because this intersection is heavily used by pedestrians, including children walking to and from nearby parks and schools. She related her belief that having one driveway on Torrance Boulevard was sufficient since most motorists enter the site on one side and exit on the other because there's little room to turn around.

Commissioner Skoll questioned whether the Police Department has reported that this driveway is currently a problem.

Sr. Planning Associate Santana advised that the Police Department has not reported any problems, however the driveway does not comply with current traffic engineering standards. He explained that as designed, the driveway is too narrow to accommodate two-way traffic and closing it will not affect fuel truck access to the site, therefore staff believes it is a prime candidate for closure.

Chairperson Weideman indicated that he would not support the project because he was not in favor of granting another beer and wine license at this location.

Commissioner Skoll stated that he believes competition is a good thing and felt it would be unfair to deny this applicant a beer and wine license since the Commission has approved similar requests in the past.

MOTION: Commissioner Skoll moved to approve CUP13-00004, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Polcari and passed by a 5-1 roll call vote, with Chairperson Weideman dissenting (absent Commissioner Rizzo)

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution No. 13-010.

MOTION: Commissioner Skoll moved to adopt Planning Commission Resolution No. 13-010 The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Rizzo).

13. **RESOLUTIONS** – None.

14. **PUBLIC WORKSHOP ITEMS** – None.

15. **MISCELLANEOUS ITEMS**

15A. COMMUNITY DEVELOPMENT DIRECTOR WEEKLY SUMMARY REPORTS

Sr. Planning Associate Santana noted that the Community Development Director Weekly Summary Report for March 1, 2013 was listed on the agenda, but it was not distributed to the Commission because there was no such report.

16. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS

Sr. Planning Associate Santana reported that the City Council approved a development agreement for the workforce housing project at 1640 Cabrillo at the March 5, 2013 City Council meeting, which will allow the developer to apply for funding.

17. LIST OF TENTATIVE PLANNING COMMISSION CASES

Sr. Planning Associate Santana reviewed the agenda for the March 20, 2013 Planning Commission meeting.

18. ORAL COMMUNICATIONS #2

18A. Assistant City Attorney Sullivan reported that the lawsuit filed by Redondo Beach against the City of Torrance has been successfully resolved and the case has been dismissed. He advised that no payments were made by the City of Torrance and there was no admission of wrongdoing and previously approved entitlements at Del Amo Fashion Center may now go forward, including the construction of a Nordstrom's department store.

Commissioner Skoll related his understanding that Torrance must give notice to Redondo Beach regarding future improvements at the mall, and Assistant City Attorney Sullivan clarified that Del Amo mall has agreed to give notice to Redondo Beach, but this agreement does not involve the City of Torrance.

18B. Commissioner Skoll stated that he was disappointed that the public has not been informed about plans for the mall, noting that there have been rumors of a skating rink.

Assistant City Attorney Sullivan explained that staff can only report what has been approved, which is an entitlement for a new anchor store at the north end of the mall, the elimination of the medical building on Hawthorne Boulevard and the remodeling of the food court, noting that there are no other pending applications at this time.

Sr. Planning Associate Santana advised that the latest approval involved minor modifications to previously approved entitlements, including the repositioning of the anchor store and parking structures, and they remain within the footprint/square footage that was previously approved.

18C. Commissioner Skoll asked about the status of the Rock & Brews restaurant project, noting that the CUP included Condition No. 7, which states, "That should there be complete demolition of the kitchen area, the project shall no longer qualify for modified gross building area for parking and the applicant shall reduce the patio area such that required parking is provided on-site."

Sr. Planning Associate Santana reported that staff has met with the owner/developer to discuss modifications to the Rock & Brews site plan and once there is an approved plan, it will be made available to the Commission and the public.

Assistant City Attorney Sullivan confirmed that the applicant must comply with all conditions of approval.

18D. Commissioner Polcari commented positively on tonight's meeting.

18E. Commissioner Watson thanked staff for arranging for her to attend the League of California Cities seminar for planning commissioners, stating that she found it to be an enlightening experience.

18F. Commissioner D'anjou echoed comments on the League of Cities seminar, noting that it was very well attended and the first one dedicated solely to planning commissioners.

19. ADJOURNMENT

At 9:00 p.m., the meeting was adjourned to Wednesday, March 20, 2013 at 7:00 p.m.

Approved as Submitted April 17, 2013 s/ Sue Herbers, City Clerk
